

REMARKS

Claims 1-12, 14-25, 27-45, and 47-49 are all the claims pending in the application. By this Amendment, Applicant editorially amends claims 1, 5, 10, 11, 20-23, 25, 27, 28, 29, and 32-41 to correct minor informalities. The amendments to claims 1, 5, 10, 11, 20-23, 25, 27, 28, 29, and 32-41 were made for reasons of precision of language and consistency, and do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. The amendments to claims 1, 5, 10, 11, 20-23, 25, 27, 28, 29, and 32-41 were not made for reasons of patentability.

Preliminary Matter

As a preliminary matter, the Examiner requested that Applicant indicate a relationship of the domestic priority document of the International Patent Application (see page 2 of the Office Action). Applicant amends the specification and respectfully submits that all of the conditions for receiving domestic priority have now been complied with.

Summary of the Office Action

Claim 27 is rejected under 35 U.S.C. § 112, second paragraph; claims 1, 5, 10, 11, 20, and 22 are objected to for minor informalities; claims 1, 3-7, 9-12, 14-23, 27, 28, 34, 38, 40, and 41 are rejected under 35 U.S.C. § 102(b); and claims 2, 8, 29, 42-45, 48, and 49 are rejected under 35 U.S.C. § 103(a). Finally, the Examiner indicated that claims 24, 25, 30-33, 35-37, 39, and 47 contain allowable subject matter.

Claim Rejections under 35 U.S.C. § 112, second paragraph

Claim 27 is rejected under 35 U.S.C. § 112, second paragraph. Applicant respectfully thanks the Examiner for pointing out, with particularity, the aspects of the claim thought to be indefinite. Applicant respectfully requests the Examiner to withdraw this rejection in view of the self-explanatory claim amendment being made herein.

Claim Objections

Claims 1, 5, 10, 11, 20, and 22 are objected to for minor informalities. Applicant has revised the claims, and respectfully submits that the claims as now presented no longer include the potential informality mentioned by the Examiner. Applicant therefore respectfully requests the Examiner to withdraw the objections to the claims.

Claim Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1, 3-7, 9-12, 14-23, 27, 28, 34, 38, 40, and 41 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,822,205 to Arihara et al. (hereinafter “Arihara”). Applicant respectfully traverses in view of the following comments.

To be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach every element and recitation of the Applicant’s claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the reference must clearly and unequivocally disclose every element and recitation of the claimed invention.

Of the rejected claims, only claims 1, 20, and 22 are independent. Among a number of unique features, claims 1, 20, and 22 require some variation of having connected remote operator units that communicate with the monitoring device and a function block which intervenes as an interface module in communications between the monitoring device and the connected remote operator units.

The Examiner maintains that Arihara's display system programs and processing system programs are equivalent to the connected remote operator units and the monitoring device, respectively, as set forth in these independent claims 1, 20, and 22. In addition, the Examiner maintains that the communication mechanism of Arihara is equivalent to the function block as set forth in claim 1.

Applicant has carefully studied Arihara's disclosure of the display-system program group 900, the processing-system program group 800. The Applicant concludes that the communication mechanism lacks having the display-system program group being connected remotely from the processing system program group and lacks having a functional block that intervenes as an interface module in the communication between remote devices.

Arihara discloses a logical division within an information processing apparatus equipped with a graphical user interface that enables interaction with the operator through multiple kinds of interactive screens of a processing-system program group that collects and communicates data that becomes the basis of displays to the screens. In Arihara, a display-system program group processes the data in a discretionary display format and displays the data on the interactive

screens. Arihara further discloses a communication module that performs communication between the processing-system program group and the display-system program group. Moreover, Arihara enables communication between programs through a logical channel (see Abstract; Fig. 1, col. 4, line 57 to col. 5, line 28).

Arihara, however, does not teach or suggest having the display program group remotely located from the processing-system program group. That is, the two program groups are not located at a physical distance from one another. Arihara fails to teach or suggest any type of physical separation. On the contrary, the processing system program group 800 and the display system programs 900 are within a single information processing apparatus such as a computer (col. 8, lines 19 to 30). In fact, in Arihara, there is only logical separation of the programs (col. 5, lines 6 to col. 28). Accordingly, the communication mechanism as taught by Arihara does not intervene as an interface module in communication between remotely located devices such as the monitoring device and connected remote operator units.

Since Arihara teaches having only the logical separation between the process programs and the display programs and not remotely located display programs, the rejection is improper as it lacks “sufficient specificity” required under 102. “[A]nticipation under § 102 can be found only when the reference discloses exactly what is claimed and that where there are differences between the reference disclosure and the claim, the rejection must be based on § 103 which takes differences into account.” *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985); MPEP § 2131.

For at least these exemplary reasons, Applicant respectfully submits that independent claims 1, 20, and 22 are patentably distinguishable from (and are patentable over) Arihara. Therefore, it is appropriate and necessary for the Examiner to withdraw this rejection of claims 1, 20, and 22 and their dependent claims 3-7, 9-12, 14-23, 27, 28, 34, 38, 40, and 41.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 2, 8, 29, 42-45, 48, and 49 are rejected under 35 U.S.C. § 103(a) as being obvious over Arihara in view of U.S. Patent No. 5,914,666 to Zingsheim et al. (hereinafter “Zingsheim”). Applicant respectfully traverses this rejection in view of the following comments.

Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to combine the references in the manner suggested by the Examiner and that such combination would result in an unworkable combination. Arihara discloses a communication mechanism that communicates between logically separate applications but not between physically separate devices. Accordingly, Arihara’s communication mechanism is inapplicable and cannot be properly implemented for the devices disclosed by Zingsheim.

Moreover, Zingsheim is directed to auto-configurable series communication system for power monitors, *i.e.*, for detecting the status of the system including identifying the presence and location of fault. Zingsheim, however, is no different from the conventional techniques in that it fails to teach or suggest having a functional block that would intervene in communication between the monitoring device and the remote devices and at the same time, manage all of the remote devices.

For at least these exemplary reasons, Applicant respectfully submits that dependent claims 2, 8, 29, 42-45, 48, and 49 are patentable over the combined teachings of Arihara and Zingsheim. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claims 2, 8, 29, 42-45, 48, and 49.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 24, 25, 30-33, 35-37, 39, and 47 contain allowable subject matter. Applicant respectfully holds the rewriting of claims 24, 25, 30-33, 35-37, 39, and 47 in abeyance until the arguments presented with respect to the respective independent base claims have been considered.

Conclusion and request for telephone interview

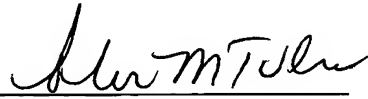
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/666,126

Attorney Docket No.: Q76578

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: July 13, 2005